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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/828,022	03/27/97	SAFFARIAN	A 70-96-005

BAKER & BOTTS
2001 ROSS AVENUE
DALLAS TX 75201-2980

MM12/1228

EXAMINER

RODRIGUEZ, D

ART UNIT	PAPER NUMBER
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2876

DATE MAILED:

12/28/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/828,022

Applicant(s)
Amir M. Saffarian

Examiner
Douglas X. Rodriguez

Group Art Unit
2876



X Responsive to communications filed on Oct 20, 1999

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

X Claim(s) 1-11 and 13-30 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

X Claim(s) 1-11 and 13-30 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received _____.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

X Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-41

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

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DETAILED ACTION

1. Acknowledgment is made of applicants response filed October 20, 1999. Claims 1-11 and, 13-30 are pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 5, 27-28, drawn to the device and claims 6, 10-11 drawn to the method are rejected under 35 U.S.C. 103(a) as being unpatentable over Clary U.S. Patent No. 5,187,351.

Clary discloses an automated system for encoding on the face of a check, at a point-of-sale, comprising: a point-of-sale register operable to determine a transaction amount; an input device coupled to the point-of-sale register and operable to receive the transaction amount and determine a check amount in response to receiving an input from a user (abstract; column 2, lines 39-68).

Clary fails to specifically disclose that the check encoder is coupled to the point-of-sale register and the input device and operable to receive the check amount and encode the check amount in a machine-readable format on a MICR line of the check. Clary does however

1 disclose that the retail store may also operate its own MICR encoding center where the check
2 amount is optically read and printed in MICR format on the MICR line (column 3, lines 1-6;
3 column 4, lines 6-10; column 5, lines 21-56; fig. 4).

4 Therefore, in view of Clary's teachings, it would have been obvious to one of ordinary
5 skill in the art at the time of the invention to couple the MICR encoding center to the POS
6 terminal, so that the amount of the check can be encoded on the spot. The advancements in
7 technology have made MICR encoders readily available, such advancements have reduced
8 encoder sizes as well as their costs. This has made it feasible to adapt encoders to POS
9 terminals within them or as supplements. Therefore, to couple both devices (MICR encoder
10 and POS terminal) in one same place, would have been obvious to one of ordinary skill in the
11 art at the time of the invention. This would have been done with the purpose of reducing bank
12 processing costs since the dollar amount would already be printed in MICR code on the face of
13 the check.

14 Regarding claim 2, Clary meets the claimed limitation of the check encoder comprising
15 a magnetic ink encoder operable to encode the check amount in magnetic ink (column 5, lines
16 50-56).

17 As for claim 5, wherein it is claimed that the check is a blank check, Clary fails to
18 teach such claimed limitation. However, POS terminals having the capability of accepting
19 blank checks and therein filling all the requisite information on its surface are notoriously well

known and commonly used in the art. Therefore, to modify Clary's device so that it has such capability, would have been obvious to one of ordinary skill in the art at the time of the invention. This would have been done with the purpose of facilitating the decoding of information printed on the check since it could be easily read by the processor.

4. Claims 3-4, 7-9, 29-30 drawn to the device and claims 13-18, drawn to the method are rejected under 35 U.S.C. 103(a) as being unpatentable over Clary U.S. Patent No. 5,187,351 in view of Carlson et al. U.S. Patent No. 5,053,607.

Clary has been discussed above, it fails to disclose the presence of a keypad having a plurality of numeric and function keys.

Carlson teaches a keypad having numeric and function keys (column 17, lines 13-50). In view of Carlson's teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a keypad to the teachings of Clary. This would have been done with the purpose of allowing the user of the device to key in information regarding the transaction, such as transaction amount, date, routing numbers, etc.

As for claim 4, Clary also fails to disclose the presence of a display. Carlson teaches such claimed limitation (column 18, lines 61-68). In view of Carlson's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a display

1 to Clary's device with the intent of permitting the user of the device to verify that the amount
2 to be printed on the check corresponds to the amount of the transaction.

3 Regarding claims 7-8, Clary fails to teach the limitation of printing a payee name on
4 the face of the check and at a predetermined location on the check.

5 Carlson teaches such claimed limitation (column 10, lines 48-53). In view of Carlson's
6 teachings, it would have been obvious to one of ordinary skill in the art to print such
7 information on the face of the check disclosed by Clary. This would have been done with the
8 purpose of simplifying the verification process of the check, since the payee's name would be
9 readily visible and easily identifiable.

10 Regarding claims 14-17, Clary fails to disclose the step wherein the user receives a
11 confirmation that the transaction amount is the check amount and the step of displaying the
12 payee name and check amount prior to printing and encoding the check.

13 Carlson teaches all such claimed limitations (column 9, lines 12-46). In view of
14 Carlson's teaching, it would have been obvious to one of ordinary skill in the art at the time
15 the invention was made to adapt all such steps to Clary. This would have been done with the
16 purpose of permitting the user of the device to correct any mistakes prior to printing the check.

17
18 5. Claims 19-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foudos
19 U.S. Patent No. 4,053,735 in view of Clary U.S. Patent No. 5,187,351.

1 Foudos discloses a pocket-size personal check encoder comprising: a keypad (42)
2 having a plurality of keys operable to receive a check amount from the user; a display (52)
3 coupled to the keypad and operable to display the check amount entered by the user; and a
4 check encoder coupled to the keypad and the display operable to receive the check amount
5 from the keypad and encode the check amount (column 4, lines 19-42).

6 Foudos fails to disclose that the encoded check amount is encoded in a machine
7 readable format at a predetermined location on the check.

8 Clary teaches such claimed limitations (column 2, lines 65-68 and column 3, lines 1-6;
9 fig. 4). . Clary discloses a check encoder having the capability of encoding the check amount
10 in a machine readable format at a predetermined location on the check. In view of Clary's
11 teachings, it would have been obvious to one of ordinary skill in the art at the time of the
12 invention, to modify Foudos device so that it has the capability of encoding the check amount
13 in a machine readable format at a predetermined location on the check. This would have been
14 done with the purpose of expediting the processing of the check by a bank, since all the
15 relevant information would be readily present on the checks surface.

16 Regarding the claimed alphanumeric keypad, Foudos, teaches such claimed limitation
17 as broadly as recited. Foudos discloses a keyboard (42) comprising numerical keys as well as
18 alphanumeric keys such as the cash key (48) and the credit key (50).

Response to Arguments

6. Applicant's arguments with respect to claims 1-11 and, 13-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas X. Rodriguez whose telephone number is (703) 308-4081.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald T. Hajec, can be reached on (703) 308-4075. The fax phone number for this Group is (703) 308-7723.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [douglas.rodriguez@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in

the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

8. If the applicant wishes to send a fax transmission which may be intended as non-official for consideration by the examiner for interviews or other purposes, the fax should be clearly marked:

1.) "DRAFT" and/or "COURTESY COPY" on the fax cover sheet along with a statement "DELIVER DIRECTLY TO EXAMINER", and

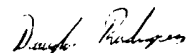
2.) Should be unsigned by the attorney or agent.

This will ensure that such an un-official fax transmission will not be entered into the application.

Papers related to the application may be submitted to Technology Center 2800 by fax transmission. Papers should be faxed to Technology Center 2800 via the PTO Fax machine located in Crystal Plaza 4. The form of such papers must conform with the notice published in the Official Gazette, 1996 OG 30 (November 15, 1989). The CP4 Fax Machine numbers are: (703) 308-7722, (703) 308-7724, (703) 308-7382, (703) 305-3431, and 305-3432.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is:


(703) 308-0956.


Douglas X. Rodriguez

Patent Examiner

GAU 2876

December 13, 1999


Donald Hajec
Supervisory Patent Examiner
Technology Center 2800